

August 21, 2010

Bryan D. Foster, Director  
Department of Public Utilities  
The City of Portsmouth  
801 Crawford Street  
P.O. Box 490  
Portsmouth, VA 23705-0490

Dear Bryan Foster:

This is in response to your correspondence of July 29, 2010. I appreciate the visit to my parents' home from Richard Strouse on July 23. I am, however, dissatisfied with the written response.


The serious health and sanitation problems resulting from PRECON negligence still plague my parents' home at 2009 Deep Creek Blvd ; it was brought to the attention of PRECON and the City in March 2010 (see attached letter). Yet, on Friday, August 6, my mother, again, made a call to Paul Bagdon, because she experienced a backup of human feces in their kitchen sink as well as other plumbing malfunctions. My mother paid for plumbing services on this date and needs to be reimbursed by PRECON.

In my mother's previous conversation with Paul Bagdon, he communicated to her that "the water that is seeping through the concrete is normal." I question why he would tell her something so erroneous when there are no other spots on the street that have this type of seepage. Furthermore, I was at my parents' home on the day when we witnessed the PRECON workers struggling in that same area for two hours. The workers covered it up with tar, although water has continued to rise to the surface in that same area afterwards. Their negligence in addressing the problem is probably one of the reasons why there were subsequent problems on August 6.

Critically, the trucks from PRECON and other companies have damaged the infrastructure of my parents' home (and probably others) due to the high volume of construction traffic. Traffic shorts cuts through the residential neighborhood to avoid major and heavily populated thoroughfares such as Effingham Street and Frederick Blvd need to be addressed immediately. The house will sustain even more damage if the current traffic patterns are not redirected.

Your letter dated July 29 states that "it is just a matter of submitting a claim form." Such bureaucratic flippancy does not release the City of Portsmouth from its liability to ensure that residents' homes and communities are not destroyed even after the work is completed. The City is culpable in the destruction of the life of its residents. It is unconscionable to allow my elderly parents and other residents of this community to suffer because City officials were negligent in planning so-called "improvements," the work for which extends over a two-year period. It is clear the City of Portsmouth has not taken precautionary measures to protect residents.

It is imperative for you or your designee to respond to this complaint regarding the following matters:

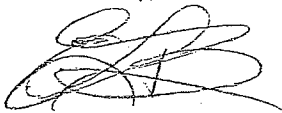
- 
1. Please provide me with access to city documents and relevant meetings where issues raised in this correspondence will be discussed, leading to adjudication.

2. What is the City of Portsmouth doing now to work on diverting the traffic to other major traffic zones to minimize further damage to my parents' home?
3. On what date will PRECON and any other parties correct the problems in front of my parents' home?
4. What is accurate contact information for PRECON and the City of Portsmouth when there are problems? Note: my mother's initial correspondence went unanswered until she contacted the City regarding sewage issues and I initially contacted you. *This issue was reported in March 2010 without sufficient response and the problem still continues in August 2010.*
5. Please provide residents a timeline for this project through a meeting and correspondence.

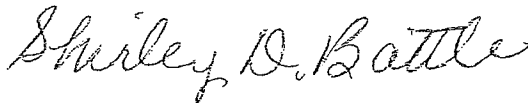
As of this writing, two other residents (addresses: 1908 and 2015 Deep Creek Blvd) within this same block have experienced plumbing problems and have contacted the city.

Your giving immediate attention to this matter will be greatly appreciated. I can be reached at 202-302-7621.

Sincerely,



Ezell L. Battle on behalf of Mr. Cato and Mrs. Shirley Battle



Shirley D. Battle

Copy to: Kenneth L. Chandler, City Manager  
City of Portsmouth Council Members  
Paul Bagdon, Regional Inspection Service Enterprise (RISE), Inc.  
Scott Schiller, Draper Aden Associates  
Andy Snyder, Draper Aden Associates

THE CITY OF  
**PORTSMOUTH**

September 10, 2010

Ms. Ezell L. Battle  
2009 Deep Creek Boulevard  
Portsmouth, VA 23704

Dear Ms. Battle:

Thank you for your letter dated August 21, 2010. As I indicated in my voice mail to you on September 8, 2010, I did not receive the original letter you sent via U.S. Mail. However, Andy Snyder, is the City's Project Manager with Draper Aden Associates, and he provided me with a copy last week. Please feel free to call him at (757) 599-9800.

When Mr. Strouse, of the City's Risk Management Division, visited your parents' house on July 23rd, your concerns centered on cracks in the walls of the home. I advised you by letter dated July 29, 2010, to file a claim with Precon Construction and/or your parents' homeowner's insurance.

In the spring, there was a water leak in the road in front of their home. This leak was from a bad connection on the old line that is being taken out of service and is not affecting the water or sewer service at their home.

In your letter of August 21, you raised several specific issues:

1. *Please provide me with access to city documents and relevant meetings where issues raised in the correspondence will be discussed, leading to adjudication.*

★ The documents responsive to your request are enclosed. On September 8<sup>th</sup>, Mr. Snyder of Draper Aden Associates met with Precon Construction about the issues raised in your August 21 correspondence, as indicated in item 3 below. ]

2. *What is the City of Portsmouth doing now to work on diverting traffic to other major traffic zones to minimize further damage to my parents' home.*

→ With a project of this magnitude, traffic is being diverted throughout the neighborhood as construction moves from street to street. Traffic patterns will continue to change as construction finishes on certain streets and moves to other streets. Deep Creek Boulevard is one of the major thoroughfares in the neighborhood before this project started and will

Department of Public Utilities

801 Crawford Street • P. O. Box 490 • Portsmouth, VA 23705-0490 • (757) 393-8691 • Fax: (757) 393-8976

Ms. Ezell Battle  
September 10, 2010  
Page 2

continue to be so after this project is completed. Many vehicles, including large trucks and buses use this road on a daily basis. There are no plans to divert traffic off of Deep Creek Boulevard.

3. *On what date will PRECON and any other parties correct the problems in front of my parents' home?*

On September 8, Precon Construction verified a small leak in the old water line which your parents' home is not connected to and that is being replaced and taken out of service throughout the neighborhood. This leak was repaired. Your parent's home was connected to the new system in early February 2010.

With regards to any sewer issues you may have experienced, the City is only responsible for maintaining the sewer system from the cleanout that is installed near the street to the sewer main. The portion of the sewer line that runs from the cleanout underground to the home as well as the interior plumbing are the responsibility of the homeowner. On September 8, Precon Construction checked the cleanout in front of your parents' home for any blockages and flushed the line that the City maintains. No blockages were encountered and the sewer line is operating as it should. If you are experiencing sewer issues within the home, you may wish to consult a plumber as the City system is clear. Please be sure to file your claims, if any, directly with Precon Construction.

4. *What is accurate contact information for PRECON and the City of Portsmouth when there are problems? Note: my mother's initial correspondence went unanswered until she contacted the City regarding sewage issues and I initially contact you. This issue was reported in March 2010 without sufficient response and the problem still continues in August 2010.*

Precon Construction  
Ms. Terri Steele, Project Manager  
1401 Precon Drive, Suite 101  
Chesapeake, VA 23320  
(757) 545-5500

City of Portsmouth  
Department of Public Utilities  
Mr. Bryan Foster, Director  
P.O. Box 490  
Portsmouth, VA 23705-0490  
(757) 393-8691

- ✓ Andy Snyder with Draper Aden Associates is the Project Manager and the City Representative for this project. He can be reached at (757) 599-9800. Should you have an immediate concern regarding construction activities, please call him directly so that he can address your concerns.

5. *Please provide residents a timeline for this project through a meeting and correspondence.*

On November 2, 2009, the City and Draper Aden Associates held a meeting with the Prentis Park Civic League to discuss the project, let residents know what to expect, and to

What about residents of Deep Creek Blvd?

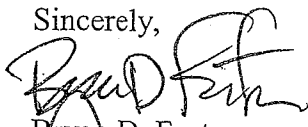
Ms. Ezell Battle  
September 10, 2010  
Page 3

answer any questions. In addition, the City ran a public service interview program on PCTV, Cox Cable Channel 48 for several weeks in November and December 2009 to let residents know about the project. The City has also mailed newsletters to all homes in the neighborhood where construction is taking place. Your parents should be receiving this newsletter as their address is in the database. I've enclosed a copy of the most recent newsletter for your reference. As you can see, it shows a timeline for the project, status of completion, and when construction should be complete.

The construction in front of your parents' home, including final pavement, is presently scheduled to be completed by the end of this year. The neighborhood will soon be returning to normal, but with brand new utility infrastructure and new pavement on all of the streets once work is completed.

We appreciate your parents' patience and the patience of all persons in the neighborhood during this construction project.

Sincerely,



Bryan D. Foster  
Director

Enclosures

cc: Kenneth L. Chandler, City Manager  
Andy Snyder, Draper Aden Associates  
Paul Bagdon, RISE, Inc.